



SENATE JUDICIARY

EXHIBIT NO. 6DATE 2/10/09BILL NO. SB285

SB285

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DATE: February 6, 2009  
TO: Senator Esp  
FROM: Nancy Butler  
SUBJECT: Timeline of Events

<u>Date</u>	<u>Event</u>
August 2004	Date of injury
December 2004	Claimant had surgery - received sick leave - bills submitted to health insurer
December 28, 2004	Claim received by Montana State Fund (MSF)
February 2, 2005	Claim denied for failure to give notice to employer under 39-71-603 - Notice of mediation process in letter - Medical information received not clear on causation
May 2005	Claimant's attorney's retainer received by Montana State Fund
June 2005	Mediation conference- agreed to mediator recommendations
June 23, 2005	MSF received medical notes of November 2004, indicate no recollection of specific injury by claimant
July 12, 2005	MSF received letter from another medical provider relating condition to injury-attached notes from Sept. 2004 do not note injury in history
July 20, 2005	Settlement offer made to claimant's attorney - not accepted
August 2005	Claimant's attorney filed petition before the Workers' Compensation Court
August 25, 2005	MSF received letter from claimant's attorney with a letter of August 2005 from claimant's physician relating injury of August 2004 to need for surgery
September 14, 2005	Montana State Fund accepted liability for claim

Claimant's attorney received attorney fees based on Lockhart lien on medical bills. Under SB 285, the insurer, Montana State Fund, would be liable for fees under "Section 1 (3).... (b) the insurer denies liability for a claim for medical benefits or terminates medical benefits and the insurer subsequently accepts liability for medical benefits." (page 1, line 28 and 29)